

From: Mickey Aberman
To: Microsoft ATR
Date: 11/18/01 11:19pm
Subject: Settlement appears very bad

I have been keeping up with the case and reading extensively. I started out doubtful about the legal merits of the government's case, but I followed the trial almost daily and agreed with the judge's findings. I have read the terms of the proposed final judgment.

Microsoft engaged in section 1 violations of a nature that might have put executives of a less-powerful and self-righteous company in jail. The government proved illegal conduct, to the satisfaction of the appellate court. There have been blatant attempts to use the monopoly in Windows to create monopolies in other products. I believe Microsoft has succeeded with Word and Outlook - formerly two products that have been bundled in "Office."

As a small-business owner, I can't avoid doing business with Microsoft without suffering a lot of aggravation and expense. It starts with being dependent on Windows and the far lesser compatibility of non-Microsoft browsers, word-processors, email programs, and now imaging software. This is not a result of innovating. Its leverage of market power.

The proposed settlement has got to have Microsoft executives cheering. There are few specific requirements (and therefore interpretation and proof problems) and there are no teeth. At best, the government wins the opportunity to start over. The government's capitulation smells of influence and politics.

It is probably too late to do anything to tighten up, but please try.

Mickey Aberman
Charlotte, NC

Note: Although I am an attorney, I have no clients that are competitors of Microsoft; I am speaking for myself as a product user.